

Best Available Copy

May 19 08 04:02p VARIANINC LEGAL DEPT

6504243827

p.4

OK TO ENTER: /DH/ (06/02/2008)

RECEIVED
CENTRAL FAX CENTER

OK TO ENTER: /DH/ (06/02/2008)

MAY 19 2008

Docket No.: 04-02 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	
James E. Swon	
Serial No.: 10/829,640	
Filed: April 22, 2004	
Title: APPARATUS AND METHOD FOR AGITATING A SAMPLE DURING IN VITRO TESTING	

Examiner: Handy, Dwayne K.
Art Unit: 1797
Conf. No.: 7024

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.116

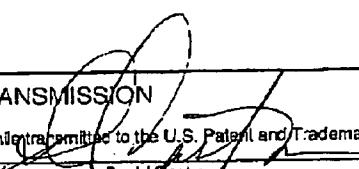
Sir:

This is responsive to the Advisory Action dated April 8, 2008, and to the final Office Action dated January 24, 2008, for which a shortened statutory period for reply expired on April 24, 2008. A Petition for a One-Month Extension of Time is being filed herewith to extend the time for filing this paper to May 24, 2008. Favorable reconsideration of the Application is respectfully requested in view of the following Amendments and Remarks.

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

CERTIFICATE OF TRANSMISSION

I, David Castro, hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on: May 19, 2008 by: 

David Castro